

## REMARKS

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of April 20, 2005 (hereinafter "Office Action").

Applicants especially appreciate the indication that Claims 7, 8, 26, 27, 45, and 46 recite patentable subject matter. In response, Applicants have canceled Claims 16 - 19, 35 - 38, and 54 - 57 and, rather than write the allowable claims in independent form at this time, Applicants respectfully submit that the cited reference does not disclose or suggest, at least, the recitations of the pending independent claims. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

### **Section 101 Rejection**

Claims 1 - 15 stand rejected under 35 U.S.C. §101 because the language of the claims is alleged to raise a question whether the claims are directed merely to an abstract idea. Applicants respectfully disagree; nevertheless, to advance prosecution and facilitate an early notice of allowance, Applicants have amended independent Claims 1 and 12 to recite a "computer implemented" method as suggested by the Examiner.

### **Independent Claims 1, 12, 20, 31, 39, and 50 are Patentable**

Independent Claims 1, 12, 20, 31, 39, and 50 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,473,824 to Kreissig et al. (hereinafter "Kreissig").

Claim 1 is directed to a method of instantiating a device driver and includes the following recitation:

dynamically associating a first software component with the device driver at run-time, **the first software component containing information that facilitates communication with devices of a specific device type.**  
(Emphasis added).

Claim 12 is directed to a method of collecting data from a device and recites, in part:

...  
dynamically associating a software component with a device driver at

run-time, **the software component containing information that facilitates communication with the device;**  
... (Emphasis added).

Independent Claims 20, 31, 39, and 50 include similar recitations. As indicated above, the pending independent claims describe a software component being associated with a device driver at run-time that contains information that facilitates communication with the device.

Kreissig describes an object-oriented system in which IO domain objects (*see*, FIG. 5, IO domain objects 500 - 506) are dynamically associated with IO Handlers (*see*, FIG. 5, IO Handlers 510 - 516), which represent IO device drivers (Kreissig, col. 8, lines 27 - 29, *see also* col. 9, lines 1 - 12). In sharp contrast to the recitations of the pending independent claims, however, **the IO domain objects of Kreissig do not contain information that facilitates communication with a device.** Kreissig emphasizes this distinction as follows:

The domain objects must not be confused with the IO device drivers themselves. The methods defined in the domain objects are independent of the interface to the IO device, and they are also independent of the protocol used on said interface. The domain objects only define parameters and boundary conditions for the device's functionality. (Kreissig, col. 8, lines 16 - 21; emphasis added).

According to Kreissig, the IO domain objects that may be associated with IO Handlers at run-time are independent of the interface to the IO device and the protocol associated with the interface. Thus, the IO domain objects cannot contain information that facilitates communication with an IO device because they are designed to be independent of the interface with the IO device and the protocol used to communicate with the IO device.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 12, 20, 31, 39, and 50 are patentable over Kreissig and that Claims 2 - 11, 13 - 15, 21 - 30, 32 - 34, 40 - 49, and 51 - 53 at least per the patentability of independent Claims 1, 12, 20, 31, 39, and 50.

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### CONCLUSION

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

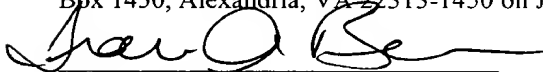


D. Scott Moore  
Registration No. 42,011

**Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

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Traci A. Brown